

STATE OF SOUTH DAKOTA )  
 )  
 ) :SS  
 )  
COUNTY OF \_\_\_\_\_ )

IN CIRCUIT COURT  
  
\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_,  
Plaintiff,  
  
vs.  
  
\_\_\_\_\_,  
Defendant

File No. DIV \_\_\_\_\_  
  
**MOTION AND  
ORDER FOR DISMISSAL**

The Plaintiff hereby requests to dismiss the above-entitled matter, pursuant to SDCL 15-6-41(a). The Defendant has not filed an Answer or Motion for Summary Judgment. Thus, I respectfully move the Court for an Order dismissing this case, without prejudice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Witness

**ORDER**

Pursuant to SDCL 15-6-41(a), this action is hereby DISMISSED without prejudice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY THE COURT:

ATTEST:

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Clerk of Courts

BY: \_\_\_\_\_  
Deputy Clerk

(SEAL)

STATE OF SOUTH DAKOTA )  
 :SS  
COUNTY OF \_\_\_\_\_ )

IN CIRCUIT COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

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_____, Plaintiff,  vs.  _____, Defendant	DIV _____  <b>AFFIDAVIT OF MAILING</b>
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I, \_\_\_\_\_, being sworn, state that on  
(Full legal name of Plaintiff)  
\_\_\_\_\_, 20\_\_\_\_, I sent the following document:

1 certified copy of the Motion and Order for Dismissal

by placing true and correct copies in an envelope addressed to:

\_\_\_\_\_ at \_\_\_\_\_  
(Full legal name of Defendant) (Defendant's mailing address)

in the City of \_\_\_\_\_, State of \_\_\_\_\_,

Zip Code \_\_\_\_\_ and depositing the envelope, with sufficient postage, in the United States Mail

at \_\_\_\_\_.  
(City and state where mailed from)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Plaintiff  
(Sign only in front of a notary or Clerk of Court)

Sworn/affirmed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name: (Printed) \_\_\_\_\_

\_\_\_\_\_  
(Notary Public/Clerk of Court)

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

If notary, my commission expires  
(SEAL)

Telephone: (\_\_\_\_) \_\_\_\_\_